

EXHIBIT B



September 24, 2024

VIA EMAIL

Meredith N. Garagiola, Esq.
O'Melveny
1625 Eye Street, N.W.
Washington, D.C. 20006

Re: **Alford v. The NFL Player Disability & Survivor Benefit Plan,**
Civil Action No. 1:23-cv-00358-JRR (D. Md.)

Dear Meredith:

We have completed our review of Defendants' informal production of the Administrative Records for all the named Plaintiffs in the above-captioned action. We again express our appreciation for your informal production of the Administrative Records.

Unfortunately, our review revealed that dozens of relevant documents missing from the informal Administrative Record production. We are aware that these relevant documents exist because they were contained in the Administrative Records previously produced to Plaintiffs' counsel by the NFL Benefits Office. The scale of deficiencies in the informal production of Administrative Records detailed below and in the attached exhibits calls into serious question the process used to collect, review, and produce these Administrative Records.

As you know, unlike most federal litigation, there is a regulatory definition of relevance for ERISA cases set forth in Title 29 of the Code of Federal Regulations:

- (8) A document, record, or other information shall be considered "relevant" to a claimant's claim if such document, record, or other information
- (i) Was relied upon in making the benefit determination;
 - (ii) Was submitted, considered, or generated in the course of making the benefit determination, without regard to whether such document, record, or other information was relied upon in making the benefit determination;
 - (iii) Demonstrates compliance with the administrative processes and safeguards required pursuant to paragraph (b)(5) of this section in making the benefit determination; or

(iv) In the case of a group health plan or a plan providing disability benefits, constitutes a statement of policy or guidance with respect to the plan concerning the denied treatment option or benefit for the claimant's diagnosis, without regard to whether such advice or statement was relied upon in making the benefit determination.

29 CFR § 2560.503-1(m)(8).

Set out below is a summary list of categories of relevant documents that are missing from some of the informal Administrative Records productions. Detailed, file-by-file lists of missing documents for four of the Plaintiffs are attached as Exhibit A (Alex Parsons), Exhibit B (Willis McGahee), Exhibit C (Michael McKenzie), and Exhibit D (Daniel Loper). Please note that neither the summary list nor Exhibits A to D are exhaustive or complete because Plaintiffs' counsel do not possess complete Administrative records from the NFL Benefits Office or the Groom Law Firm for all named Plaintiffs. Rather, the summary list and Exhibits are intended to illustrate the scope and volume of missing relevant documents from the informal Administrative Record productions.

- E-Ballot spreadsheets, summary sheets, and other documents concerning Committee and Board decisions on Plaintiffs' benefit claims referenced in the Amended Complaint are missing for Plaintiffs McGahee, McKenzie, Loper, and Parsons.
- Emails among Committee and Board members, Plan employees, and Groom Law Group staff concerning decisions on Plaintiffs' benefit claims at issue are missing for Plaintiffs McGahee, McKenzie, Loper, and Parsons.
- All "Neutral Physician" reports concerning Plaintiffs' benefit claims at issue, including at least one report for Plaintiff McGahee and potentially for other Plaintiffs.
- All decision letters concerning Plaintiffs' benefit claims at issue, including, for example, the August 8, 2016 letter to Plaintiff McGahee with the subject line "Re: Application for Total and Permanent Disability Benefits Initial Decision by Disability Initial Claims Committee."
- Correspondence concerning Plaintiffs' appointments with "Neutral Physicians," including, by way of example, multiple emails related to appointments for Plaintiff McGahee dated July 22, 2016, July 25, 2016, July 28, 2016, March 1, 2022, and July 21, 2022. Appointment letters and correspondence also appear to be missing from the Administrative Record productions for Plaintiffs Parsons, McKenzie, and Loper.
- Correspondence between Plaintiffs Parson, Loper, and McGahee and Benefits Office employees, as well as phone logs for Plaintiffs Loper and McGahee.
- All documents responsive to Plaintiffs' prior formal Administrative Record requests, including, for example, the Form 5500 requested from Elise Richard by counsel for Plaintiff Smith on September 26, 2019 (NFL_ALFORD-0010995-0010999).
- Applications and appeals submitted by or on behalf of Plaintiffs, including, by way of example, Plaintiff Smith's Total & Permanent disability benefits application dated April 11, 2023 (*see* Amended Complaint at ¶ 227).
- Documents submitted along with Plaintiffs' applications and appeals, such as a 2022 neuropsychological testing report submitted with Plaintiff McKenzie's 2023 T & P application.

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Given the limited amount of time negotiated for fact discovery in the case and Defendants' pledge to informally produce complete Administrative Records by August 1, 2024, it is imperative that Defendants promptly advise us (1) when they will produce all the relevant missing files identified in this letter and Exhibits A-D annexed hereto; and (2) the steps being taken by Defendants and its counsel to ensure that the Administrative Record productions are accurate and complete for all named Plaintiffs, including Jason Alford, Jamize Olawale, Eric Smith, Charles Sims, Joey Thomas, and Lance Zeno.

Thank you in advance for your immediate attention to this matter.

Very truly yours,

Benjamin R. Barnett

Benjamin R. Barnett

Attachments: Exhibits A - D

CC: All Counsel of Record

EXHIBIT A

**LIST OF RELEVANT ALEX PARSONS RECORDS
INCLUDED IN PRIOR ADMINISTRATIVE RECORDS PRODUCED BY
NFL BENEFITS OFFICE MISSING FROM AUGUST 26, 2024 PRODUCTION**

1. 5/2/18 Email chain with subject “Re: Alex Parsons - Request For Release Of Information”
2. 5/18/18 Letter to Mr. Parsons with subject “NFL Player Disability & Neurocognitive Benefit Plan–Final Decision on Review”
3. 4/20/18 Right Knee X-Ray for Mr. Parsons with referring physician: Dr. Mack
4. 4/16/18 Letter to Mr. Parsons with subject “Re: NFL Player Disability & Neurocognitive Benefit Plan — Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”
5. 4/13/18 Letter to Mr. Parsons with subject “Re: NFL Player Disability & Neurocognitive Benefit Plan - Appeal for Disability Benefits Notice of Required Medical Examination”
6. 2/21/18 Email from Lauren Butler to Sam Katz with subject “Alex Parsons Player File”
7. 1/25/18 Email chain with subject “Alex Parsons - Request for Release of Information”
8. 10/31/17 Email chain with subject “Disability Application”
9. 10/19/17 E-Ballot spreadsheet for Alex Parsons
10. 10/26/17 Email chain with subject “10/19 e-ballot”
11. 9/27/17 Letter to Mr. Parsons with subject “RE: NFL Player Disability & Neurocognitive Benefit Plan - Application for Disability Benefits Notice of Required Medical Examination”
12. 9/27/17 Letter to Mr. Parsons with subject “Re: NFL Player Disability & Neurocognitive Benefit Plan - Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”

EXHIBIT B

**LIST OF RELEVANT WILLIS A. MCGAHEE RECORDS
INCLUDED IN PRIOR ADMINISTRATIVE RECORDS PRODUCED BY
NFL BENEFITS OFFICE MISSING FROM AUGUST 1, 2024 PRODUCTION**

1. 10/21/19 Email chain with subject "Willis McGahee - Request for Release of Information"
2. 11/18/19 Email chain with subject "Willis McGahee Player File"
3. 2/4/21 E-Ballot spreadsheet for Willis McGahee
4. 2/17/21 Email chain with subject "02/09 e-ballots"
5. 4/9/20 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan-Additional Time Needed for Decision on Application(s) for Disability Benefits" and attachment
6. 3/3/20 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan - Confirmation of Completed Application(s) and Notice of Required Medical Evaluation(s)"
7. 1/5/21 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan-Date for Plan Neutral Evaluation" and attachment
8. 3/5/20 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan- Date for Plan Neutral Evaluation"
9. 3/18/20 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan Canceling Pending Evaluations and Suspending Application UNTIL FURTHER NOTICE"
10. 11/12/20 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Neurocognitive Benefit Plan Option to Attend Plan Neutral Evaluation(s)" and attachment
11. 3/16/20 Email from Stephanie Torlina to Mr. McGahee, subject "All Appointments Are Canceled"
12. 2/23/21 Email chain with subjects "Requested Neutral Physician Reports" and "Request for Release of Reports - Willis McGahee"
13. 9/2/21 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Survivor Benefit Plan-Confirmation of Appeal and Notice of Required Medical Evaluation"
14. 8/15/22 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Survivor Benefit Plan -Additional Time Needed for Decision on Appeal" and attachments
15. 11/8/21 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Survivor Benefit Plan -Additional Time Needed for Decision on Appeal" and attachments
16. 2/7/22 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Survivor Benefit Plan - Confirming Date for In-Person Plan Neutral Evaluation"
17. 747-749: 6/6/22 Letter to Mr. McGahee with subject "Re: NFL Player Disability & Survivor Benefit Plan-Date for Plan Neutral Evaluation"
18. 1/3/22 "I Choose the Following Evaluation Options - Willis McGahee" signed form

19. 9/2/21 Letter to Mr. McGahee with subject “Re: NFL Player Disability & Survivor Benefit Plan Option to Attend Plan Neutral Evaluations)” and attachment
20. 2/16/22 Letter to Mr. McGahee with subject “Re: NFL Player Disability & Survivor Benefit Plan- Additional Time Needed for Decision on Appeal” and attachments
21. 6/12/23 Email chain with subject “Request for Complete Administrative File - Willis McGahee”
22. 7/5/22 Letter to Mr. McGahee with subject “Re: Line-of-Duty Disability Benefit”
23. 8/8/16 Email chain with subject “7/28 e-ballot”
24. 11/8/19 Contact History record regarding QDRO
25. Additional documents regarding QDRO
26. 7/28/16 E-Ballot spreadsheet for Willis McGahee
27. 11/22/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appeal Decision Letter for Willis McGahee”
28. 5/31/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appeal Decision Letter for Willis McGahee”
29. 11/8/21 Email from Meghan Pieklo to Mr. McGahee with subject “Appeal Extension Letter for Willis McGahee”
30. 8/15/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appeal Extension Letter for Willis McGahee”
31. 2/16/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appeal Extension Letter for Willis McGahee”
32. 2/7/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appointment Letter for Willis McGahee”
33. 6/6/22 Email from Meghan Pieklo to Mr. McGahee with subject “Appointment Letter for Willis McGahee”
34. 3/16/20 Email from Stephanie Torlina to Mr. McGahee, subject “All Appointments Are Canceled”
35. 3/3/20 Email from Stephanie Torlina to Mr. McGahee, subject “Application Received”
36. 1/5/21 Email from Stephanie Torlina to Mr. McGahee, subject “Appointment Letter for Willis McGahee”
37. 3/3/21 Email from Stephanie Torlina to Mr. McGahee, subject “Decision Letter for Willis McGahee”
38. 1/21/21 Email from Stephanie Torlina to Mr. McGahee, subject “Details for Your Appt. Friday with Dr. Diaz”
39. 1/5/21 Email from Stephanie Torlina to Dr. Thomas Crum, subject “Documents for Willis McGahee -- Scheduled Appt 1/11 @ 8:30am”
40. 3/9/20 Email from Stephanie Torlina to Dr. Patton, subject “Documents for Willis McGahee -- Scheduled Appt 3/20 @ 9am”
41. 3/9/20 Email from Stephanie Torlina to Laura Stoner, subject “Documents for Willis McGahee -- Scheduled Appt 3/24 @ 2:10pm (Ft. Laud)”

42. 3/9/20 Email from Stephanie Torlina to Dr. Strassnig, subject "Documents for Willis McGahee -- Scheduled Appt 3/25 @ 3pm"
43. 3/9/20 Email from Stephanie Torlina to Laura Stoner, subject "Documents for Willis McGahee -- Scheduled Appt 1/15 @ 11am (Ft. Laud)"
44. 1/12/21 Email from Stephanie Torlina to Dr. Strassnig, subject "Documents for Willis McGahee -- Scheduled Appt 1/21 @ 3pm (in person)"
45. 1/12/21 Email from Stephanie Torlina to Dr. Diaz, subject "Documents for Willis McGahee - Scheduled Appt. 1/22 @ 2pm"
46. 3/9/20 Email from Stephanie Torlina to Dr. Sergay, subject "Documents for Willis McGahee -- Scheduled Appt. 3/31 @10am (9:45 check-in)"
47. 3/5/20 Email from Stephanie Torlina to Mr. McGahee, subject "Exams Scheduled"
48. 3/18/20 Email from Stephanie Torlina to Mr. McGahee, subject "Notice of Canceling Pending Evals & Suspending App for Willis McGahee"
49. 11/12/20 Email from Stephanie Torlina to Mr. McGahee, subject "Opt-In Letter for Willis McGahee"
50. 3/17/20 Email chain, subject "Re: All Appointments Are Canceled"
51. 3/4/20 Email chain, subject "Appointment Request"
52. 3/5/20 Email chain, subject "Appointment Request"
53. 3/4/20 Email chain, subject "Appointment Request"
54. 12/17/20 Email chain, subject "Opt-In Letter for Willis McGahee"
55. 1/25/21 Email chain, subject "Willis McGahee T&P Ortho Rpt"
56. 2/23/21 Email chain with subjects "Requested Neutral Physician Reports" and "Request for Release of Reports - Willis McGahee"
57. 4/9/20 Email from Stephanie Torlina to Mr. McGahee, subject "Status / Ext Letter for Willis McGahee"
58. 3/16/20 Email chain with subject "Willis McGahee Appointments Are Canceled"
59. 7/12/16 Email from Elise Richard to Willis McGahee, subject "Appointment Letter for Willis McGahee"
60. 11/14/22 Email chain, subject "Appeal letters - Batch 3"
61. 3/1/22 Email chain, subject Appointment Request, forwarded to "Compliance"
62. 2/22/22 Email chain, subject "Willis McGahee appeal"
63. 2/22/22 Email chain, subject "Cancelation - Willis McGahee"
64. 2/22/22 Email chain, subject "Cancellation for Willis McGahee"
65. 2/22/22 Email chain, subject "Cancellation - Willis McGahee"
66. 2/22/22 Email chain, subject "Appeal Extension Letter for Willis MCGahee"
67. 2/22/22 Email chain, subject "Appeal Extension Letter for Willis MCGahee"
68. 11/18/19 email chain, subject "Willis McGahee Player File"
69. 7/28/16 email chain, subject "Willis McGahee" with Dr. McCasland's invoice listed as an attachment

70. 7/28/16 email chain, subject "Willis McGahee" with Dr. McCasland's invoice listed as an attachment
71. 7/27/16 email from Sam Vincent to Elise Richard, subject "Willis McGahee PRF approved by Arlosoroff"
72. 7/25/16 email chain, subject "McGahee, W. - Vanderploeg's Neuropsych report and T&P report form" with Dr. Vanderploeg's invoice listed as an attachment
73. 7/25/16 email chain, subject "McGahee, W. - Vanderploeg's Neuropsych report and T&P report form" with Dr. Vanderploeg's invoice listed as an attachment
74. 7/22/16 email chain with subject "Appointment Request" with Dr. McCasland's invoice listed as an attachment
75. 7/22/16 email chain with subject "Appointment Request" with Dr. McCasland's invoice listed as an attachment
76. 7/12/16 email chain with subject "Appointment Letter for Willis McGahee"
77. 7/12/16 email chain, subject "Appointment Letter for Willis McGahee"
78. 7/12/16 email chain, subject "Appointment Letter for Willis McGahee"
79. 7/12/16 email chain, subject "Appointment Letter for Willis McGahee"
80. 7/12/16 email chain, subject "Appointment Letter for Willis McGahee"
81. 7/12/16 email chain, subject "Appointment Letter for Willis McGahee"
82. 7/12/16 email chain, subject "Appointment Request"
83. 7/11/16 email chain, subject "Application Confirmation Letter for Willis McGahee"
84. 7/11/16 email chain, subject "Application Confirmation Letter for Willis McGahee", with "NFLPB Blank Word Document.lfe" listed as an attachment
85. 7/11/16 email chain between Elise Richard and Rodney Vanderploeg, subject "Appointment Request"
86. 7/11/16 email chain, subject "Application Confirmation Letter for Willis McGahee"
87. 6/24/16 email chain, subject "Application Confirmation Letter for Willis McGahee", with "NFLPB Blank Word Document.lfe" listed as an attachment
88. 8/26/21 email chain, subject "Mail 8/26/21"
89. 6/30/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
90. 6/30/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
91. 2/7/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
92. 2/7/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
93. 2/7/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
94. 2/7/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"

95. 6/30/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
96. 6/30/22 email chain, subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
97. 8/2/22 email from Sam Vincent to Meghan Pieklo, subject "PRF - Willis McGahee - Dr. Herndon Murray - 08/02/2022 - Meghan Pieklo"
98. Travel Store documents for 7/2022 McGahee travel
99. 7/21/22 email from Dr. Norman to Meghan Pieklo
100. 8/2/22 email, From: no-reply@nflplayerbenefits.com To: Disability Group, subject "PRF - Willis McGahee - Dr. Herndon Murray - 08/02/2022 - Meghan Pieklo"
101. 6/14/22 email chain, subject "Appointment Letter for Willis McGahee"
102. 6/6/22 email chain between Meghan Pieklo and Dr. Norman's office, subject "Appointment Request - Willis McGahee - T&P"
103. 6/6/22 email chain between Meghan Pieklo and Dr. Murray's office, subject "Appointment Request - Willis McGahee - T&P"
104. 6/6/22 email chain between Meghan Pieklo and Dr. King's office, subject "Appointment Request - Willis McGahee - T&P"
105. 2/3/22 email chain between Meghan Pieklo and Dr. Norman's office, subject "Appointment Request - Willis McGahee T&P"
106. 2/3/22 email chain between Meghan Pieklo and Dr. Gwynn's office, subject "Appointment Request - Willis McGahee T&P"
107. 2/3/22 email chain, subject "Appointment Request - Willis McGahee T&P"
108. 6/6/22 email chain, subject "Appointment Request"
109. 2/2/22 email chain, subject "Cancellation – Willis McGahee"
110. 2/2/22 email chain, subject "Cancellation – Willis McGahee"
111. 2/2/22 email chain, subject "Cancellation for Willis McGahee"
112. 2/1/23 email chain with subject "Disability Stale Checks"
113. 7/28/22 email chain between Elton Banks, Sam Vincent, and Meghan Pieklo with subject "McGahee, Willis T&P Reports"
114. 7/27/22 email from Dr. King to Meghan Pieklo with subject "NFL Player Benefits - A User has sent you a shared file - Willis McGahee"
115. 2/3/22 email from Willis McGahee, subject "Re: Option to Attend Evaluation Letter for Willis McGahee"
116. 2/21/22 email chain between Dr. Demakis and Elise Richard, subject "W. McGahee no show"
117. 2/21/22 email chain between Dr. Demakis, Meghan Pieklo, and Elise Richard, subject "W. McGahee no show"
118. 2/21/22 email chain between Dr. Demakis and Elise Richard, subject "W. McGahee no show"

119. 2/21/22 email chain between Dr. Demakis and Elise Richard, subject “W. McGahee no show”
120. 2/22/22 email chain among benefits coordinators, subject “Willis McGahee appeal”
121. 8/2/22 email to Mr. McGahee, subject “Review and Response Letter for Willis McGahee”
122. 3/7/22 email to Mr. McGahee, subject “Review and Response Letter for Willis McGahee”
123. 7/15/22 email from Art Solis to Meghan Pieklo and Mr. McGahee, subject “Ticketed itinerary [...]”
124. 10/17/22 email from Natallia Maroz to Meghan Pieklo, subject “Willis McGahee Appeal Summary”
125. 7/21/22 email from Dr. Gwynn’s office to Meghan Pieklo, subject “Willis McGahee PT ID 142985”
126. 4/6/22 email chain from Natallia Maroz to Meghan Pieklo, subject “Willis McGahee Appeal Summary”
127. 2/22/22 email from Art Solis to Meghan Pieklo, subject “Willis McGahee”
128. Phone call log from 2005-2022
129. Summons and complaint from this matter
130. 6th amendment to Plan
131. 10/2022 SPD
132. 2/23/15 Letter to Mr. McGahee with subject “RE: Application for Disability Benefits Incomplete Application Due to Missing Information”
133. 6/30/15 Pension/Periodic Payment Authorization
134. 2015 IRS Form W-4P, Withholding Certificate for Pension or Annuity Payments
135. 5/12/15 Letter to Mr. McGahee with subject “RE: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”
136. 5/14/15 Letter to Mr. McGahee with subject “RE: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”
137. T & P Disability Benefits Application [incomplete]
138. 2/1/16 Letter to Mr. McGahee with subject “RE: Application for Disability Benefits”
139. 5/5/16 Letter to Mr. McGahee with subject “RE: Application for Disability Benefits” and attachment T & P Disability Benefits Application [incomplete]
140. Document titled Board Actions for Willis A. McGahee that appears to be from 2015
141. Untitled summary sheet regarding “ISSUE: Application for Total and Permanent Disability Benefits” for Mr. McGahee that appears to be from July 2016
142. Dr. Rodney Vanderploeg NFL Player Supplemental Disability Line of Duty Neuropsychological Evaluation, date of evaluation 7/23/16
143. Email chain dated 7/9/16 with subject “Application Confirmation Letter for Willis McGahee”
144. 8/8/16 Letter to Mr. McGahee with subject “Re: Application for Total and Permanent Disability Benefits Initial Decision by Disability Initial Claims Committee”
145. 10/21/19 Email chain with subject “Willis McGahee - Request for Release of Information”

146. 7/12/16 Letter to Mr. McGahee with subject "Re: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination"
147. 7/12/16 Letter to Mr. McGahee with subject "Re: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination"
148. 7/12/16 Letter to Mr. McGahee with subject "Re: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination"
149. Dr. Chaim Arlossoff Physician's Report Form, examination date 7/26/16
150. 3/7/17 Domestic Relations Order Qualification Notice and related documents
151. 3/22/17 Letter to Keely McGahee c/o Ms. Tiffany Lenoir with subject "Re: QDRO on Mr. Willis A. McGahee NFL Player Disability & Neurocognitive Benefit Plan"
152. Additional documents regarding QDRO

EXHIBIT C

**LIST OF RELEVANT MICHAEL MCKENZIE RECORDS
INCLUDED IN PRIOR ADMINISTRATIVE RECORDS PRODUCED BY
NFL BENEFITS OFFICE MISSING FROM AUGUST 1, 2024 PRODUCTION**

1. 2022 neuropsychological testing report submitted with Plaintiff McKenzie's 2023 T & P application
2. 9/15/15 Letter to Mr. McKenzie, subject "Re: Bert Bell/Pete Rozelle NFL Player Retirement Plan" [file request]
3. 7/23/15 Email chain, subject "FAM. CHILD TRAINING 1000, 1 page(s)" and attached letter from Mr. McKenzie
4. 8/11/15 Memo from NFL Player Benefits to Natallia Maroz, subject "Bert Bell/Pete Rozelle NFL Player Retirement Plan"
5. 1/29/17 Authorized Representative Designation
6. 1/6/17 received Letter from Athlaw to NFL Disability Board, subject "Re: MICHAEL MCKENZIE LINE-OF-DUTY APPLICATION"
7. 2/16/17 Email chain, subject "Authorized Doc" with attached notarized form
8. 2/7/17 Letter to Mr. McKenzie, subject "RE: Application for Disability Benefits Incomplete Application Due to Missing Information"
9. 2/7/17 Email from Kristen Kirk to Samuel Katz, subject "RE: Mr. McKenzie" with attachment
10. 2/14/17 Email chain, subject "Mike McKenzie Authorization form" with attachment
11. Document titled Board Actions for Mike Mckenzie that appears to be from 2013 or later
12. Untitled summary sheet regarding "LOD application received 4/13/2017: orthopedics." for Mr. McKenzie that appears to be from April 2017
13. "CHECKLIST FOR DISABILITY INITIAL CLAIMS COMMITTEE" that appears to be from April 2017
14. 4/17/17 Letter to Mr. McKenzie, subject "RE: Application for Disability Benefits Notice of Required Medical Examination"
15. Untitled summary sheet regarding "Issue: Application for Line-Of-Duty Disability Benefits" for Mr. McKenzie that appears to be from April 2017
16. 4/13/17 Email chain, subject "Michael McKenzie - Line-Of-Duty"
17. 1/29/17 Line-of-Duty Disability Benefits Application and 1/6/17 received Letter from Athlaw to NFL Disability Board, subject "Re: MICHAEL MCKENZIE LINE-OF-DUTY APPLICATION"
18. 5/17/17 Letter to Mr. McKenzie, subject "Re: Line-Of-Duty Disability Benefits"
19. 4/17/17 Letter to Mr. McKenzie, subject "Re: Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination"
20. 4/25/17 Email from Kristen Kirk to Mr. McKenzie, subject "RE: Help", attachment

21. 5/12/17 signed Form W-4
22. 5/15/17 Email from Sam Katz to Kristen Kirk, subject "Michael McKenzie - Request For Release Of Information"
23. 10/2/18 Direct Deposit Request
24. 10/2/18 Direct Deposit Request
25. 1/2/19 Letter to Mr. McKenzie, subject "Re: NFL Player Disability & Neurocognitive Benefit Plan-Confirmation of Completed Application(s) and Notice of Required Medical Evaluation(s)"
26. 1/24/19 E-Ballot spreadsheet for Mr. McKenzie
27. 1/29/19 Email chain, subject "01/24 e-ballots"
28. 1/3/19 Letter to Mr. McKenzie, subject "Re: NFL Player Disability & Neurocognitive Benefit Plan - Date for Plan Neutral Evaluation"
29. 1/16/19 Email chain, subject "Michael McKenzie - Request For Release Of Information"
30. 4/27/17 E-Ballot spreadsheet for Mr. McKenzie
31. 10/2/18 Email from Elise Richard to Mr. McKenzie, subject "Direct Deposit Form"
32. 1/10/18 Email from Dr. Brahlin to Sam Vincent, subject "michael mckenzie"
33. 5/16/13 Letter to Mr. McKenzie, subject "Re: Appeal for Line-Of-Duty Disability Benefits"
34. Untitled summary sheet regarding "Issue: Appeal of Disability Initial Claims Committee's Denial of Application for Line-Of-Duty Disability Benefits (Spring 2013 Meeting)" for Mr. McKenzie that appears to be from 2013
35. "Board Actions for Mike McKenzie" document that appears to be from 2013
36. 2/11/13 Letter to Mr. McKenzie, subject "Re: Pending Appeal for Disability Benefits"
37. 2/7/13 Letter to Mr. McKenzie, subject "Re: Neutral Physician's Evaluation"
38. 2/7/13 Letter to Mr. McKenzie, subject "Re: Neutral Physician's Evaluation"
39. 9/27/12 Letter to Mr. McKenzie, subject "Re: Neutral Physician's Evaluation"
40. 9/27/12 Letter to Mr. McKenzie, subject "Re: Neutral Physician's Evaluation"
41. 8/27/12 Letter to Mr. McKenzie, subject "Re: Appeal for Line-Of-Duty Disability Benefits"
42. 7/31/12 letter from Mr. McKenzie's former attorney to Bert Bell/Pete Rozelle Plan re appeal
43. 5/17/12 LOD decision letter
44. 4/5/12 LOD decision letter
45. Letters and emails re McKenzie's 2011-2013 LOD applications
46. 1/24/19 email chain, subject "1/24 eballot summaries"
47. 1/3/19 email chain, "Appointment Letter for Michael Mckenzie"
48. 1/2/19 email from Meghan Pieklo to McKenzie, subject "Confirmation Letter for Michael McKenzie"
49. 1/29/19 email chain, subject "01/24 e-ballots"
50. 1/3/19 email chain, subject "NFL Player Benefits - A User has sent you a shared file"

51. 1/3/19 email chain, subject "NFL Player Benefits - A User has sent you a shared file"
52. 1/3/19 email chain, subject "NFL Player Benefits - A User has sent you a shared file"
53. 1/3/19 email chain, subject "NFL Player Benefits - A User has sent you a shared file"
54. 1/21/19 email from Dr. Mercado to Meghan Pieklo, subject "Fwd: McKenzie, Michael T&P NP eval"
55. 1/15/19 email from Sam Katz to Meghan Pieklo, subject "Michael McKenzie - Request For Release Of Information"
56. 1/22/19 email from Sam Vincent to Meghan Pieklo, subject "Michael McKenzie Initial PRF Approved by Saenz 1/18"
57. 1/14/19 email from Marlene Farelli to Meghan Pieklo, subject "Michael McKenzie PRF and evaluation from Dr Faber"
58. 1/18/19 email from Dr. Brahlin to Meghan Pieklo, subject "Michael Mckenzie"
59. 2/8/19 email chain with subject "5 decision letters"
60. 1/3/19 Dr. Mercado appointment scheduling email
61. 1/3/19 Dr. Brahlin appointment scheduling email
62. 1/3/19 Dr. Faber appointment scheduling email
63. 1/24/19 email chain with subject "E-Ballot 1/24/2019"
64. 1/3/19 appointment scheduling email
65. 1/3/19 email chain, Marlene Farelli and Meghan Pieklo, subject "NFL Player Benefits - A User has sent you a shared file"
66. 1/22/19 Email chain, subject "McKenzie, Michael T&P NP eval"
67. 1/14/19 Email chain, subject "Michael McKenzie PRF and evaluation from Dr Faber"
68. 1/22/19 Email chain, subject "Michael Mckenzie"
69. 1/3/19 email chain, Dr. Mercado, "NFL Player Benefits - A User has sent you a shared file"
70. 1/3/19 email chain, Dr. Brahlin, "NFL Player Benefits - A User has sent you a shared file"
71. 6/13/17 email from Natallia Maroz to Sam Katz, subject "Michael McKenzie Player File"
72. 10/2/18 email chain, Mike McKenzie and Elise Richard, "Direct Deposit Form.pdf"
73. 10/2/18 email chain re "Direct Deposit Form.pdf"
74. 10/2/18 email chain re receipt of fax from "Mr Fax" to "Main Fax" <mainfax@nflpb.org>
75. 10/2/18 email chain re direct deposit form

EXHIBIT D

**LIST OF RELEVANT DANIEL LOPER RECORDS
INCLUDED IN PRIOR ADMINISTRATIVE RECORDS PRODUCED BY
NFL BENEFITS OFFICE MISSING FROM AUGUST 1, 2024 PRODUCTION**

1. 12/6/17 letter to Loper, subject “RE: Application for Disability Benefits Incomplete Application Due to Missing Information”
2. 12/5/17 email chain, subject “Line of Duty Benefit Application Successfully Submitted [DANIEL LOPER]”
3. 12/5/17 Line-Of-Duty Disability Benefits Application Summary
4. Summary sheet for application received 3/16/18
5. 3/16/18 letter to Loper, subject “RE: NFL Player Disability & Neurocognitive Benefit Plan- Application for Disability Benefits Notice of Required Medical Examination”
6. 4/26/2018 E-Ballot spreadsheet
7. 4/27/18 email chain, subject “4/26 e-ballot”
8. 4/30/18 letter to Loper, subject “Re: NFL Player Disability & Neurocognitive Benefit Plan Initial Decision by Disability Initial Claims Committee”
9. 3/10/18 email from Loper to Meghan Pieklo, subject “Re: Application Confirmation Letter for Daniel Loper”
10. 3/16/18 email chain between Loper and Meghan Pieklo, subject “LOD Application”
11. 3/16/18 email chain between Loper and Meghan Pieklo, subject “LOD Application”
12. 4/19/18 letter to Loper, subject “Re: NFL Player Disability & Neurocognitive Benefit Plan - Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”
13. 3/19/18 letter to Loper, subject “Re: NFL Player Disability & Neurocognitive Benefit Plan - Application for Disability Benefits Confirmation and Scheduling of Required Medical Examination”
14. 4/25/18 email chain between Loper and Meghan Pieklo, subject “LOD appointment”
15. 4/19/18 email from Meghan Pieklo to Loper, subject “Appointment Letter for Daniel Loper”
16. Fedex tracking list
17. 3/6/18 letter to Loper, subject “RE: Application for Disability Benefits Incomplete Application Due to Missing Information”
18. 12/5/17 email chain, subject “Line of Duty Benefit Application Successfully Submitted [DANIEL LOPER]”
19. 12/5/17 Line-Of-Duty Disability Benefits Application Summary
20. Board Actions database, appears to be from 2018 or 2019

21. 11/14/18 email chain, subject "Daniel Loper Appeal Evals"
22. 11/14/18 email chain, subject "Daniel Loper Appeal Evals"
23. Summary sheet for application received 3/16/18
24. 10/31/18 letter to Loper, subject "Re: NFL Player Disability & Neurocognitive Benefit Plan -Appeal for Disability Benefits Notice of Required Medical Examination"
25. 2/19/19 letter to Loper, subject "Re: NFL Player Disability & Neurocognitive Benefit Plan-Final Decision on Review" [and attachment]
26. 10/29/18 email chain re "Daniel Loper appeal letter" [missing 2 attachments of 3]
27. 10/31/18 appointment letter
28. 2018 emails requesting copies of doctors' reports
29. 5/8/19 email and attachment re complete file request
30. 5/21/19 letter from Groom Law Group re complete file request
31. 6/7/19 letter from Groom Law Group re complete file request
32. 2/19/19 letter to Loper, subject "Re: NFL Player Disability & Neurocognitive Benefit Plan-Final Decision on Review"
33. 2/4/19 email from Natallia Maroz to Elise Richard, "And here is the summary"
34. 10/31/18 email to Loper re "Appeal Confirmation Letter for Daniel Loper"
35. 12/7/18 email from Natallia Maroz to Elise Richard, "Appeal Summaries"
36. 3/19/18 email re "Appointment Letter for Daniel Loper"
37. 11/15/18 email from Sam Vincent to Elise Richard, "Daniel Loper Appeal PRF Approved by Perry"
38. 2/4/19 email from Natallia Maroz to Elise Richard, "Daniel Loper"
39. 4/30/18 email chain, "Decision Letters"
40. 3/19/18 email re "Appointment Letter for Daniel Loper"
41. 4/26/18 email from Craig Berk to Sam Vincent, "4/26 eballot summaries"
42. 4/18/18 email from Sam Vincent to Meghan Pieklo, "Daniel Loper Initial PRF Approved by Murray 4/16"
43. duplicate of 9-11 above
44. 5/1/18 email chain, "Appointment Letter for Daniel Loper"
45. 4/19/18 email from Meghan Pieklo to Dr. McCasland's office
46. 4/13/18 email from Loper requesting reimbursement
47. 5/1/18 email to Loper sending Dr. Murray report
48. 3/19/18 email chain, "Appointment Request" re Dr. Murray
49. 4/30/18 email chain, "Decision Letters"
50. 4/25/18 email chain, "E-Ballot 4/26/2018"
51. 4/19/18 email chain, "NFL Player Benefits - A User has sent you a shared file" (Dr. McCasland)
52. 4/25/18 email chain, "LOD appointment"
53. 4/26/18 email chain re "NFL Records", including reply by Jacob Frank
54. 4/19/18 email chain re "Appointment Request" with Dr. McCasland

55. 4/26/18 email chain re “Appointment Request” with Dr. McCasland
56. 5/2/18 email chain re “4/26 e-ballot”
57. 10/31/18 email re “Appeal Appointment Letter for Daniel Loper”
58. 5/1/18 email chain, “Appointment Letter for Daniel Loper”
59. 10/29/18 email chain re fax
60. 8/10/18 email chain with Bob Loper and Meghan Pieklo, “Appeal Process”
61. 12/7/18 email chain, “Completed Appeals”
62. 12/5/18 email chain, “Daniel Loper” re sending requested Dr. Murray records
63. 11/16/18 email chain, “Daniel Loper–LOD Appeal” re inquiry from Brian Francis about LOD Appeal
64. 11/2/18 email chain re sending Dr. Perry records
65. 4/25/18 email chain, “LOD appointment”
66. 4/25/18 email chain, “LOD appointment”
67. 2/6/19 email chain “Ortho Report”
68. 9/2015 Summary Plan Description
69. 3/1/17 Summary of Material Modifications
70. 4/1/17 NFL Disability & Neurocognitive Benefit Plan
71. undated Summary of Material Modifications
72. 4/1/18 Summary of Material Modifications
73. 2017 Form 5500s
74. 4/1/17 Plan Third Amendment
75. 2018 Summary of Material Modifications
76. 4/1/19 Plan Fourth Amendment
77. 3/5/20 letter to Loper, “Re: NFL Player Disability & Neurocognitive Benefit Plan-Confirmation of Completed Application(s) and Notice of Required Medical Evaluation(s)”
78. 4/16/20 letter to Loper, “Re: NFL Player Disability & Neurocognitive Benefit Plan-Additional Time Needed for Decision on Application(s) for Disability Benefits”
79. 1/7/21 E-Ballot spreadsheet
80. 1/22/21 email chain, “01/14 e-ballots”
81. 3/5/20 letter to Loper, “Re: NFL Player Disability & Neurocognitive Benefit Plan-Date for Plan Neutral Evaluation” and attachment
82. 3/17/20 letter to Loper, “Re: NFL Player Disability & Neurocognitive Benefit Plan Canceling Pending Evaluations and Suspending Application UNTIL FURTHER NOTICE”
83. 11/30/20 email from Loper, “Opt In Notice for LOD” and image of opt in form
84. 12/1/20 appointment letter, missing page(s)
85. 11/17/20 option to attend evaluation letter
86. 12/18/20 email chain, “Appointment Confirmation” requesting Dr. Apple’s report
87. 1/11/21 email from Sunny Stefanski, “Record Request - Daniel Loper”
88. 6/30/21 appointment letter to Loper
89. 6/1/21 appeal confirmation letter to Loper

90. 6/16/21 email chain sending in opt-in letter
91. 6/1/21 option to attend evaluation letter
92. 8/2/21 email from Sam Katz to Elise Richard, "Daniel Loper - Request for Release of Complete Record"
93. 2/4/19 email from Natallia Maroz to Elise Richard, "And here is the summary"
94. 6/30/21 email from Elise Richard to Loper, "Appeal Appointment Letter for Daniel Loper"
95. 10/31/18 email "Appeal Confirmation Letter for Daniel Loper"
96. 12/7/18 email from Natallia Maroz to Elise Richard, "Appeal Summaries"
97. 3/19/18 email from Meghan Pieklo to Loper, "Appointment Letter for Daniel Loper"
98. 7/20/21 email from Sam Katz to Elise Richard, "Daniel Loper - Request for Report"
99. 11/15/18 email from Sam Vincent to Elise Richard, "Daniel Loper Appeal PRF Approved by Perry"
100. 7/28/21 email from Sam Vincent to Dr. Cook, "Daniel Loper PRF Rejected"
101. 7/16/21 email from Elise Richard to Dr. Cook, "Daniel Loper"
102. 4/30/18 email chain, "Decision Letters"
103. 2018 Dr. Murray appointment letter
104. 7/30/21 email chain with Sam Vincent and Elise Richard, "PRF - Daniel Loper - Dr. Marcus Cook - 07/29/2021 - Elise Richard"
105. 3/5/20 email to Loper, "Application Received"
106. 12/1/20 email to Loper, "Appointment Confirmation"
107. 3/17/20 email to Loper re canceling evaluations
108. 3/16/20 email chain to Loper re canceling evaluations
109. 7/14/20 email chain with Loper and Emily Parks, "Question about LOD"
110. 4/16/20 email to Loper, "Extension Notice for Daniel Loper"
111. 1/6/21 email from Sam Vincent, "PRF - Daniel Loper - Dr. David Apple - 01/05/2021 - Emily Parks"
112. 1/22/21 email to Loper, "LOD Decision Letter"
113. 3/17/20 email chain to Loper re canceling evaluations
114. 11/17/20 email re "Opt In Notice for LOD"
115. 12/1/20 and 3/6/20 emails re scheduling appointment with Dr. Apple
116. 1/22/21 email chain, "Daniel Loper decision letter"
117. 12/1/20 email chain to Dr. Apple's office sending records
118. 11/30/20 email sending "Opt In Notice for LOD" and attachment
119. 1/7/21 email from Millie Bhatia to Emily Parks, "Summary"
120. Phone call log from 2006-2020
121. 6/25/21 email from Elise Richard to Barbara Michael (Dr. Cook's office) re scheduling LOD appointment
122. 8/3/21 email chain re uploading phone notes to file & complete file request
123. 7/19/21 email from Dr. Cook to Elise Richard, "Daniel Loper"